

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Local Telephone Competition and Broadband Reporting	)	WC Docket No. 04-141
	)	
	)	
Local Competition and Broadband Reporting	)	CC Docket No. 99-301
	)	

**COMMENTS OF BELL SOUTH CORPORATION**

BellSouth Corporation, for itself and its wholly owned affiliated companies (collectively “BellSouth”), submits the following comments in response to the *Notice of Proposed Rulemaking* released in the above-captioned proceeding.<sup>1</sup>

**I. BellSouth Supports the Use of Form 477 for Data Gathering But Opposes Many of the Proposals Regarding Broadband**

BellSouth is supportive of the use of the Form 477 to obtain information about the industry. It has provided a better basis for collecting information than have the Commission’s outdated ARMIS forms, which only gather limited data from only a few industry participants – the Bell Operation Companies (“BOCs”). The ARMIS reports cast a far too narrow net to

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<sup>1</sup> *In the Matter of Local Telephone Competition and Broadband Reporting and Local Competition and Broadband Reporting*, WC Docket No. 04-141 and CC Docket No. 99-301, *Notice of Proposed Rulemaking and Order on Reconsideration*, FCC 04-81 (rel. Apr. 16, 2004) (“Notice”).

capture any form of meaningful information about the industry. In order for the Commission to obtain useful data it must look at the entire market and not just one segment.

BellSouth has reservations about some of the proposed changes to the report, however. First, BellSouth opposes many of the proposals for the broadband section. To begin, the additions to the report will be burdensome to track. Requiring providers to report broadband connections by various speeds would be difficult to determine even if the provider were only required to report on the maximum speed available to the end user. In today's environment, providers are constantly developing new products and services for their customers. It is not unlikely that these product speeds could vary depending upon time of day, material that is being downloaded, or websites that the customer may visit. For example, BellSouth has announced that it is about to begin a broadband-on-demand trial that allows customers to increase download speeds at the customer's request. The speed increase will be accomplished by clicking a button with the computer mouse. When downloading a large file, such as music, the customer can click on the button and increase from the normal download speed up to three megabits per second, depending on the service the customer has purchased. Innovative products such as this will be necessary for providers to differentiate themselves within the market. Consequently it would be extremely hard to categorize any product that allowed varying speeds depending on how the customer used the product.

Moreover, even if reporting by speeds were not burdensome, it offers a much more disaggregated view of a provider's customer mix by area. Such disaggregation is sensitive and proprietary to providers and should not be made available to competitors.

Finally, the Commission offers no justification for why this additional information is needed. If the Commission believes this information is needed for a specific purpose the

Commission should state that purpose and explain why the data proposed to be collected meets that purpose. Providers could then provide the Commission insight into whether the objective will be met or if less burdensome alternatives may exist.

## **II. The Commission Should Adopt BellSouth's Proposed Change to the Report's Configuration**

BellSouth believes that the report as currently configured is inefficient. Input of data must be performed manually. BellSouth proposes that the Commission develop an interface that would map raw information to the actual report. For example, the raw data could be provided on an Excel spreadsheet. The interface, based on proper mapping, would populate the actual report instead of requiring the report to be populated by manual keying. Because the raw data could easily be placed into a spreadsheet, this would make the actual preparation of the report more efficient and less cumbersome.

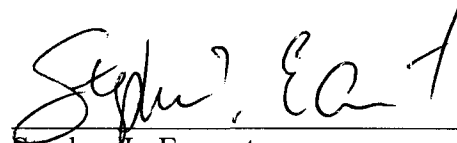
## **III. Conclusion**

For the reasons discussed herein, the Commission should continue to use Form 477 for data gathering purposes. It provides a better source of information about the industry than do other reporting structures. The Commission should not, however, expand the requirements for broadband reporting. Such proposals will be difficult to implement and there is no expressed need for such data. Finally, the Commission should alter the report's configuration to make its preparation more efficient.

Respectfully submitted,

**BELLSOUTH CORPORATION**

By its Attorney

A handwritten signature in black ink, appearing to read "Stephen L. Earnest", written over a horizontal line.

Stephen L. Earnest

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Date: June 28, 2004

**CERTIFICATE OF SERVICE**

I do hereby certify that I have this 28<sup>th</sup> day of June 2004 served the following parties to this action with a copy of the foregoing **COMMENTS** by electronic filing addressed to the parties listed below.

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/s/ Juanita H. Lee  
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